

O

cc: order, docket, remand letter
to Los Angeles Superior Court,
South District, Long Beach, No. 12U00076

JS - 6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE BANK OF NEW YORK MELLON,)	Case No. CV 12-05943 DDP (CWx)
AS SUCCESSOR TRUSTEE UNDER)	
NOVASTAR MORTGAGE FUNDING)	
TRUST, SERIES 2006-3,)	ORDER GRANTING PLAINTIFF'S MOTION
)	TO REMAND
Plaintiff,)	
)	
v.)	
)	[Dkt. No. 5]
MARIA GALLARDO,)	
)	
Defendant.)	
_____)	

Presently before the court is Plaintiff's Motion to Remand.
Because Defendant has not filed an opposition, the court GRANTS
the motion.

Central District of California Local Rule 7-9 requires an
opposing party to file an opposition to any motion at least
twenty-one (21) days prior to the date designated for hearing the
motion. C.D. CAL. L.R. 7-9. Additionally, Local Rule 7-12

provides that "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." C.D. CAL. L.R. 7-12.

The hearing on Plaintiff's motion was set for August 27, 2012. Defendant's opposition was therefore due by August 6, 2012. As of the date of this Order, Defendant has not filed an opposition, or any other filing that could be construed as a request for a continuance. Accordingly, the court deems Defendant's failure to oppose as consent to granting the motion to remand, and GRANTS the motion.

IT IS SO ORDERED.

Dated: August 23, 2012

A handwritten signature in blue ink, reading "Dean D. Pregerson". The signature is fluid and cursive, with the first name "Dean" and last name "Pregerson" clearly legible.

DEAN D. PREGERSON
United States District Judge